

of the State of Washington

DIGEST SUPPLEMENT

To Legislative Digest and History of Bills **Supplement No. 24***

FIFTY-NINTH LEGISLATURE

Friday, February 11, 2005

33rd Day - 2005 Regular

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House Bills

HB 1033-S by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Roach, Morrell and Simpson; by request of Insurance Commissioner)

Regulating insurable interests and employer-owned life insurance.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides for the regulation of insurable interests and employer-owned life insurance.

-- 2005 REGULAR SESSION --

Feb 9 FII - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Feb 10 Passed to Rules Committee for second reading.

HB 1064-S by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Miloscia, Nixon, Haigh, Shabro, Green, Hunt, Priest, Linville, Armstrong, Simpson, Bailey, Kenney, Haler, Springer, Chase, Quall, Murray, Wallace, McDermott, Upthegrove, Kilmer, Moeller, Kessler, Appleton, Williams, McCoy, Blake, Dickerson, Conway, Tom, P. Sullivan, Kagi, Morris, Wood, McIntire, Lantz, Hudgins, Ericks, Darneille, Clibborn, Morrell, Takko, O'Brien, Ormsby, McDonald and B. Sullivan)

Improving government performance and accountability.

(AS OF HOUSE 2ND READING 2/02/05)

Finds that: (1) Citizens demand and deserve accountability of public programs. Public programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

- (2) Washington state government and other entities that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars;
- (3) An independent citizen oversight board is necessary to establish an annual assessment and performance grading program to ensure that government services, customer satisfaction, program efficiency, and management systems are world class in performance; and
- (4) Fair, independent, professional performance audits of state agencies by the state auditor are essential to improving the efficiency and effectiveness of government.

Creates the citizen oversight board to improve efficiency, effectiveness, and accountability in state government.

Requires the board to establish an annual assessment and performance grading program.

Requires the board to submit the results of the assessment and grading program to the governor, the office of financial management, appropriate legislative committees, and the public by December 15th of each year. The results of the annual assessments and performance grading shall be posted on the internet.

Provides that each biennium the legislature shall appropriate an amount equal to two one-hundredths of one

percent of the total general fund state appropriation in that biennium's omnibus operating appropriations act for purposes of the performance review, performance audits, and activities of the board authorized by this act.

Requires the board and the state auditor to work together regarding performance audits of state government.

Provides that, by June 30, 2007, and each four years thereafter, the joint legislative audit and review committee shall contract with a private entity for a performance audit of the performance audit program established in this act and the board's responsibilities under the performance audit program.

Encourages the office of the administrator for the courts to conduct performance audits of courts under the authority of the supreme court, in conformity with criteria and methods developed by the board for judicial administration that have been approved by the supreme court.

-- 2005 REGULAR SESSION --

Jan 19 SGOA - Majority; 1st substitute bill be substituted, do pass.

Jan 24 Placed on second reading.

Feb 2 1st substitute bill substituted.

Floor amendment(s) adopted.

Rules suspended. Placed on Third Reading.

Third reading, passed: yeas, 74; nays, 22; absent, 2.

- IN THE SENATE -

Feb 4 First reading, referred to Government Operations & Elections.

HB 1137-S by House Committee on Health Care (originally sponsored by Representatives Morrell, Orcutt, Cody, McDonald, Green, Campbell, Clibborn, Schindler, Kagi, Woods, Hunt, Miloscia, Linville, Lantz, Moeller, Williams, Wallace and Kenney)

Modifying the scope of care provided by physical therapists.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that it is the purpose of this act to protect the public health, safety, and welfare, and to provide for state administrative control, supervision, licensure, and regulation of the practice of physical therapy.

Declares an intent that only individuals who meet and maintain prescribed standards of competence and conduct be allowed to engage in the practice of physical therapy as defined and authorized by chapter 18.74 RCW.

Declares that it is unlawful for any person to practice or in any manner hold himself or herself out to practice physical therapy or designate himself or herself as a physical therapist, unless he or she is licensed in accordance with this

Requires a physical therapist to refer persons under his or her care to appropriate health care practitioners if the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice under this chapter or when physical therapy is contraindicated.

Provides that a physical therapist may perform electroneuromyographic examinations for the purpose of testing neuromuscular function only by referral from an authorized health care practitioner and only upon demonstration of further education and training in electroneuromyographic examinations as established by rule.

Within two years after July 1, 2005, the secretary shall waive the requirement for further education and training for those physical therapists licensed under this chapter who perform electroneuromyographic examinations.

Declares that physical therapists are responsible for patient care given by assistive personnel under their supervision. A physical therapist may delegate to assistive personnel and supervise selected acts, tasks, or procedures that fall within the scope of physical therapy practice but do not exceed the education or training of the assistive personnel.

Declares that nothing in this act may be construed to prohibit other licensed health care providers from using the services of physical therapist assistants, physical therapist aides, or other assistive personnel as long as the licensed health care provider is responsible for the activities of such assistants, aides, and other personnel and provides appropriate supervision.

-- 2005 REGULAR SESSION --

Feb 9 HC - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Feb 10 Passed to Rules Committee for second reading.

HB 1257-S by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Roach, Kirby, Newhouse, Simpson, Holmquist, Haler, Upthegrove, O'Brien and Nixon)

Providing an opportunity to reject motorcycle or motor-driven cycle insurance coverage.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides an opportunity to reject motorcycle or motordriven cycle insurance coverage.

Provides an opportunity for named insureds or their spouses to reject the coverage in writing.

-- 2005 REGULAR SESSION --

Feb 9 FII - Majority; 1st substitute bill be substituted, do pass.

Feb 10 Passed to Rules Committee for second reading.

HB 1419-S by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Roach, Santos, Newhouse and Williams)

Reserving state authority to regulate customer financial transactions.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that consumers, financial services providers, and financial institutions need uniformity and certainty in their financial transactions.

Declares an intent to reserve the authority to regulate customer financial transactions involving consumers, financial services providers, and financial institutions.

-- 2005 REGULAR SESSION --

Feb 9 FII - Majority; 1st substitute bill be substituted, do pass.

Feb 10 Passed to Rules Committee for second reading.

HB 1528-S by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Priest, Simpson, Newhouse, Cody, Serben and Schual-Berke)

Changing the beginning date for the escrow accounts required of self-funded multiple employer welfare arrangements. Revised for 1st Substitute: Changing the terms for the escrow accounts required of self-funded multiple employer welfare arrangements.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Changes the beginning date for the escrow accounts required of self-funded multiple employer welfare arrangements to April 1, 2006.

Delays the effective date of the premium tax requirements on self-funded multiple employer welfare arrangements until April 1, 2006.

Delays the effective date of the Washington State Health Insurance Pool assessment requirements on selffunded multiple employer welfare arrangements until April 1, 2006.

-- 2005 REGULAR SESSION --

Feb 9 FII - Majority; 1st substitute bill be substituted, do pass.

Feb 10 Referred to Appropriations.

Passed to Rules Committee for second reading.

HB 1910 by Representatives Morrell, Campbell, Cody, Clibborn, Simpson, Upthegrove, Hasegawa, O'Brien, Chase and Conway; by request of Insurance Commissioner

Stabilizing the health insurance market and reducing the number of uninsured individuals in Washington state.

Recognizes that to stabilize the health insurance market and reduce the number of uninsured people in Washington state, health insurance premiums need to be lower. An uncertain market due to the uncompensated care needs of uninsured individuals and our current method of covering high-cost enrollees contributes to rising health insurance premiums. Our private health insurance market can begin covering some uninsured people and reduce uncompensated care when coverage is pooled for high-cost enrollees.

Declares an intent to reduce premiums, primarily for small employers, by broadly pooling high-cost enrollees and providing reinsurance services to the pool that reduces the cost of coverage. Pooling and reinsurance services for these unpredictable, high health care costs will reduce the uncertainty that raises premiums across the private health insurance market. Lower premiums will reduce the number of uninsured people in Washington state.

Finds that a reduction in the number of people needing health insurance will reduce the cost to providers who treat uninsured people and lower the cost of the uncompensated care borne by the premiums paid by purchasers and consumers. A part of the savings from more predictable premiums and less uncompensated care can be recaptured and targeted to make health insurance affordable for more

small employers and others in the private health insurance market.

Creates a nonprofit entity known as the health insurance market stabilization pool. The purpose of the pool is to enroll more uninsured people in the private health insurance market by lowering and stabilizing premiums.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Health Care.

HB 1911 by Representatives Condotta, Grant, Kessler, Linville and McCoy

Requiring workers to report accidents.

Revises provisions requiring workers to report accidents.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Commerce & Labor.

HB 1912 by Representatives Condotta and Grant

Modifying the definition of wages.

Declares that the determination of a worker's wages shall not include wages for hours worked in excess of forty hours for any week unless the worker demonstrates a pattern of work in excess of forty hours per week for the same employer in the three months immediately preceding the injury.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Commerce & Labor.

HB 1913 by Representatives Hunt, Wallace, Moeller, Morrell and O'Brien

Changing the primary election date. Changes the primary election date. Repeals RCW 29A.04.158.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to State Government Operations & Accountability.

HB 1914 by Representatives Walsh, Schindler and Grant

Prescribing procedures for dissolving or deactivating joint housing authorities.

Requires the ordinances enacted by the legislative authorities creating the joint housing authority to prescribe the procedure for dissolution or deactivation of a joint housing authority and any other matters necessary to effectuate the dissolution or deactivation of a joint housing authority, including distribution of the assets, liabilities, and obligations of a joint housing authority to the original activating governing bodies for the limited purposes of winding up the affairs of a deactivated joint housing authority or transferring assets, obligations, or liabilities to the housing authority of a city, town, or county.

Provides that a city, town, or county must include in any ordinance or resolution authorizing a deactivation under the terms of RCW 35.82.320 adequate provisions to assure the payment of financial obligations incurred by the housing

authority or joint housing authority and existing and in good standing at the time of passage of the ordinance or resolution.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Housing.

HB 1915 by Representatives McIntire, Conway, Clements, McCoy, Williams and Chase; by request of Department of Revenue

Authorizing the governor to enter into cigarette tax contracts with additional tribes.

Authorizes the governor to enter into cigarette tax contracts with additional tribes.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Finance.

HB 1916 by Representatives Conway, McIntire, Clements, McCoy, Williams and Chase; by request of Department of Revenue

Authorizing the governor to enter into a cigarette tax agreement with the Puyallup Tribe of Indians.

Authorizes the governor to enter into a cigarette tax agreement with the Puyallup Tribe of Indians.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Finance.

HB 1917 by Representatives Conway, Wood and Chase

Improving stability in industrial insurance premium rates.

Establishes procedures to improve stability in industrial insurance premium rates.

Applies to industrial insurance rates adopted by the department of labor and industries that take effect on or after January 1, 2006.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Commerce & Labor.

HB 1918 by Representatives Conway, Wood and Chase

Implementing a recommendation of the joint legislative audit and review committee with regard to industrial insurance.

Directs the department of labor and industries to develop and implement an initiative to encourage the reporting of industrial insurance injuries by the worker to his or her employer and by the employer to the department. Under this initiative, the department must take steps to educate workers and employers about the benefits and importance of prompt reporting of injuries.

Requires the department to conduct a study of: (1) Claims that are not reported promptly, including but not limited to a review of the circumstances of such claims, the type of injuries involved in such claims, and the reasons for the failure to report such claims promptly; and

(2) The effect of the educational initiative required under this act on reducing delays in benefits payments and improving employer involvement in assisting with claims management.

Provides that, by December 1, 2006, the department must report on the results of the study to the appropriate committees of the legislature.

Expires July 1, 2007.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Commerce & Labor.

HB 1919 by Representatives Haigh, Hudgins, Hunter, Morrell, Hasegawa, O'Brien, Lantz and Chase

Authorizing a full-day kindergarten program as part of basic education.

Provides that, beginning with the 2006-07 school year, a school district may offer either full-day or half-day kindergarten in one or more schools as part of basic education. In order to ensure that the superintendent of public instruction has sufficient time to allocate funds appropriately, the office of the superintendent of public instruction shall adopt deadlines for a school district to notify the agency that the district intends to operate a full-day kindergarten program in one or more schools.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Education.

HB 1920 by Representatives McDermott and Chase

Providing for a spectrum of education services for the deaf and hard of hearing.

Provides that, by September 1, 2007, each school district shall be prepared to offer a spectrum of services, including sign language-based and oral-based programming, for students who are deaf or hard of hearing. The services shall correspond to the educational approach selected for each child by the child's parents or guardian. The school district may contract with outside entities to provide the services.

Provides that a professional with expertise in hearing impairment must be included in any team that helps prepare an individualized education plan for a child who is deaf or hard of hearing.

Requires the superintendent of public instruction to provide to school districts information on advances in research, technology, and educational approaches for children who are deaf or hard of hearing.

Requires the superintendent of public instruction to provide professional development to educational professionals throughout the state on the educational needs of children who are deaf or hard of hearing.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Education.

HB 1921 by Representatives Schual-Berke and Bailey

Exempting certain nursing homes from the quality maintenance fee.

Provides that facilities identified as institutions for mental disease by the federal department of health and human services and classified as "nursing homes" shall not be included as nursing facilities for purposes of chapter 82.71 RCW and are not subject to the quality maintenance fee, subject to approval of this provision by the federal department of health and human services.

Provides that, by October 15, 2005, the department of social and health services shall submit for approval to the federal department of health and human services a waiver amendment pursuant to 42 C.F.R. 433.68. The amendment shall identify nursing facilities identified as institutions for mental disease as exempt from the quality maintenance fee.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Appropriations.

HB 1922 by Representatives Schual-Berke, Bailey and Armstrong

Creating the nursing facility medicaid program trust account.

Creates the nursing facility medicaid program trust account in the custody of the state treasurer. All funds collected from the tax in RCW 82.71.020 shall be deposited into this account.

Provides that expenditures from this account shall be used exclusively to increase medicaid reimbursement rates to the nursing care facilities paid as of December 31, 2004.

Declares that funds may not be used to replace existing state expenditures paid to nursing care facilities for providing services pursuant to the medicaid program.

Requires the fee collected under RCW 82.71.020 to be deposited in the nursing facility medicaid program trust account created in this act.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Appropriations.

HB 1923 by Representatives P. Sullivan, Haler, Pettigrew, Walsh, Morrell, Strow, Kilmer, Kessler and Simpson

Authorizing the creation of certified capital companies to promote investment in start-up and emerging Washington businesses.

Authorizes the creation of certified capital companies to promote investment in start-up and emerging Washington businesses.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Financial Institutions & Insurance.

HB 1924 by Representatives Kretz, Pearson, Haler and Condotta

Awarding prevailing or substantially prevailing state and local agencies attorneys' fees in appeals involving the state environmental policy act and critical areas.

Awards prevailing or substantially prevailing state and local agencies attorneys' fees in appeals involving the state environmental policy act and critical areas.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Judiciary.

HB 1925 by Representatives Kretz, Holmquist, Haler, Buri, Newhouse and Orcutt

Concerning clean water act litigation.

Provides assistance to small counties and cities facing legal liability and costs associated with an action filed under the federal clean water act's citizen suit provision.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Judiciary.

HB 1926 by Representatives Blake, Buck, Eickmeyer and DeBolt

Concerning the taking of fish, shellfish, or wildlife.

Declares that the purpose of this act is to reaffirm that state law related to the lawful taking of fish, shellfish, and wildlife under Title 77 RCW and rules adopted under Title 77 RCW preempt local ordinances purportedly enacted to control noise associated with the discharge of a firearm.

Declares that, when the civil action authorized in this act is against a city, county, or other municipality for obstructing the lawful taking of fish, shellfish, or wildlife under the color of RCW 9.41.300(2)(a) that is lawfully allowed under Title 77 RCW and the rules adopted by the department under this title, the trial court may, in addition to the remedies allowed under this act, levy a civil penalty of one thousand dollars for each day of violation for each plaintiff in a suit or class.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Judiciary.

HB 1927 by Representatives Kirby, Morrell, Hasegawa and Chase

Restricting the use of personal credit histories and credit scores.

Provides that the use of a person's credit history or credit score as a factor in underwriting, renewal, cancellation, and premium decisions by insurers for personal insurance is prohibited in this state.

Repeals RCW 48.18.545, and 48.19.035.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Financial Institutions & Insurance.

HB 1928 by Representatives Kirby, Hasegawa, Dickerson and Chase

Prohibiting the use of consumer credit histories for personal insurance renewal decisions.

Declares that any use of credit history for renewal decisions by insurers violates the consumer protection act.

Finds that the practices covered by RCW 48.18.545(3) are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of RCW 48.18.545(3) is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Financial Institutions & Insurance.

HB 1929 by Representatives Kirby, Morrell, Campbell and Lantz

Regulating medical malpractice rate filings.

Requires the insurance commissioner to notify the public of any rate filing by an insurer for a rate change affecting medical malpractice that is less than fifteen percent of the then applicable rate. The filing is approved forty-five days after public notice unless: (1) A consumer or his or her representative requests a hearing within thirty days of public notice and the commissioner grants the hearing;

(2) The commissioner on his or her own motion determines to hold a hearing; or

(3) The commissioner disapproves the filing.

Provides that, if the rate filing increase is fifteen percent or greater, the commissioner shall order a public hearing. Any person shall have the right to intervene and participate as a party or have the right to comment at the public hearing.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Financial Institutions & Insurance.

HB 1930 by Representatives Hasegawa, Upthegrove, Schual-Berke and McDermott

Creating a citizen's committee to monitor noise abatement at Sea-Tac airport.

Creates the citizen's committee on aircraft noise abatement to advise the Port of Seattle, as well as appropriate state, local, and federal agencies, regarding the operation of aircraft noise abatement programs authorized under chapter 53.54 RCW regarding the Seattle-Tacoma International Airport. The committee shall serve as an advisory committee to the Port of Seattle on matters relating to the policies, administration, procedures, and funding of aircraft noise abatement programs.

Requires the port to consult with and provide periodic reports to the committee on matters related to the port's aircraft noise abatement program, including but not limited to program policies, procedures, administration, and funding.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Local Government.

HB 1931 by Representatives Hasegawa, Upthegrove, Schual-Berke, McDermott and Cody

Changing requirements for airport noise mitigation programs.

Provides that the port district shall not require that a property owner either convey an easement for the operation of aircraft, or waive potential damage claims for noise and noise-associated conditions, as a condition precedent to participation in the soundproofing program authorized under this act.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Local Government.

HB 1932 by Representatives Clibborn and Ericks

Providing for the annexation of unincorporated island territory within code and noncode cities.

Finds that there exists in many of the most populous counties of the state a patchwork of small islands of urban unincorporated territory which are the direct result of past annexation and incorporation activity. These small areas present significant service inefficiencies for counties; difficulty in annexing these areas poses a barrier to achieving growth management planning goals of the surrounding or adjacent city or town.

Declares an intent to grant cities and towns the unilateral authority to annex by ordinance small urban unincorporated islands that exist within their territories.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Local Government.

HB 1933 by Representatives Schual-Berke, Morrell and Lantz

Requiring the reporting and analysis of medical malpractice related information.

Provides that, beginning April 1, 2006, every self-insurer or insuring entity that provides medical malpractice insurance to any facility or provider in Washington state must report to the commissioner any closed claim related to medical malpractice, if the claim resulted in a final: (1) Judgment in any amount;

- (2) Settlement or payment in any amount; or
- (3) Disposition of a medical malpractice claim resulting in no indemnity payment on behalf of an insured.

Provides that, if a claim is not reported by an insuring entity or self-insurer under this act due to limitations in the medical malpractice coverage of a facility or provider, the facility or provider must report the claim to the commissioner.

Authorizes the commissioner to impose a fine of up to two hundred fifty dollars per day per case against any insuring entity that violates the requirements of this act. The total fine per case may not exceed ten thousand dollars.

Authorizes the department of health to impose a fine of up to two hundred fifty dollars per day per case against any facility or provider that violates the requirements of this act. The total fine per case may not exceed ten thousand dollars.

Provides that, beginning in 2006, the commissioner must prepare an annual report by June 30th that summarizes and analyzes the closed claim reports for medical malpractice filed under this act and the annual financial reports filed by insurers writing medical malpractice insurance in this state. The report must include: (1) An analysis of closed claim reports of prior years for which data are collected and show: (a) Trends in the frequency and severity of claims payments; (b) an itemization of economic and noneconomic damages; (c) an itemization of allocated loss adjustment expenses; (d) the types of medical malpractice for which claims have been paid; and (e) any other information the commissioner determines illustrates trends in closed claims;

(2) An analysis of the medical malpractice insurance market in Washington state, including: (a) An analysis of the financial reports of the insurers with a combined market share of at least ninety percent of net written medical malpractice premium in Washington state for the prior calendar year; (b) a loss ratio analysis of medical malpractice insurance written in Washington state; and (c) a profitability analysis of each insurer writing medical malpractice insurance.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Financial Institutions & Insurance.

HB 1934 by Representatives Lovick, Ahern, Dickerson, Santos, O'Brien, Williams, Simpson, Ericks and Chase

Increasing penalties for assaulting a peace officer with a stungun.

Increases penalties for assaulting a peace officer with a stun gun.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Criminal Justice & Corrections.

HB 1935 by Representatives Wallace, Williams, Pettigrew and Hunt

Using wage assignment orders to enforce health insurance coverage.

Provides for the use of wage assignment orders to enforce health insurance coverage.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Juvenile Justice & Family Law.

HB 1936 by Representatives Upthegrove, Hinkle, Simpson, Priest, Miloscia, Schual-Berke, P. Sullivan, Williams, Hasegawa and O'Brien

Allowing members of the public employees' retirement system plans 1 and 2 employed as emergency medical technicians to transfer to the law enforcement officers' and fire fighters' retirement system plan 2.

Authorizes members of the public employees' retirement system plans 1 and 2 employed as emergency medical technicians to transfer to the law enforcement officers' and fire fighters' retirement system plan 2.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Appropriations.

HB 1937 by Representatives Kirby, Morrell and Lantz

Addressing medical malpractice claims.

Creates a medical malpractice excess liability fund to pay for noneconomic damages claims that exceed three hundred fifty thousand dollars per medical malpractice claim. The fund shall only pay claims when there is an express allocation of damages between economic and noneconomic damages in a judgment or verdict.

Requires the commissioner to prepare an implementation plan for the fund. The implementation plan must include: (1) The independent actuarial assessment of costs required under this act;

- (2) Recommendations on how to limit losses:
- (3) Criteria for facility or provider eligibility for repayment from the fund;
- (4) Recommendations for exclusions of specific acts from eligibility for repayment from the fund, if any;
- (5) An assessment of possible funding mechanisms with recommendations; and
- (6) Recommendations on legislative changes needed to administer the fund.

Provides that the implementation plan must be included in a report to the legislature by December 1, 2005.

Provides that, beginning April 1, 2006, every self-insurer or insuring entity that provides medical malpractice insurance to any facility or provider in Washington state must report to the commissioner any closed claim related to medical malpractice, if the claim resulted in a final: (1) Judgment in any amount;

- (2) Settlement or payment in any amount; or
- (3) Disposition of a medical malpractice claim resulting in no indemnity payment on behalf of an insured.

Provides that, if a claim is not reported by an insuring entity or self-insurer under this act due to limitations in the medical malpractice coverage of a facility or provider, the facility or provider must report the claim to the commissioner.

Authorizes the commissioner to impose a fine of up to two hundred fifty dollars per day per case against any insuring entity that violates the requirements of this act. The total fine per case may not exceed ten thousand dollars.

Authorizes the department of health to impose a fine of up to two hundred fifty dollars per day per case against any facility or provider that violates the requirements of this act. The total fine per case may not exceed ten thousand dollars.

Appropriates the sum of two million five hundred thousand dollars for fiscal year 2006 and two million five hundred thousand dollars for fiscal year 2007 from the general fund to the medical malpractice account for the purposes under this act. If the medical malpractice excess liability fund is not authorized under this act, the amounts appropriated in this provision shall lapse.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Financial Institutions & Insurance.

HB 1938 by Representatives Hinkle, Darneille, Morrell, Ericks and O'Brien

Addressing the employment and retirement rights of members of the armed forces called to active duty.

Declares an intent to authorize the department of retirement systems to comply with federal laws including, but not limited to, the uniformed services employment and reemployment rights act, the employee retirement income security act, and the regulations of the internal revenue service, in implementing benefits on behalf of retirement system members.

Declares that immediate legislative action is necessary to ensure military members promptly receive their benefits consistent with federal law.

Provides that a member, after completing twenty-five years of creditable service, who would have otherwise become eligible for a retirement benefit as defined under chapter 41.40 RCW while serving honorably in the armed forces as referenced in RCW 41.04.005, shall, upon application to the department, be eligible to receive credit for this service without returning to covered employment.

Declares that service credit granted under this act applies only to veterans as defined in RCW 41.40.005 serving in the armed forces on or after September 11, 2001.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Appropriations.

HB 1939 by Representatives Linville, Newhouse, Hinkle and Pettigrew

Concerning well construction.

Revises provisions relating to the minimum standards for construction and maintenance of wells.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Economic Development, Agriculture & Trade.

House Joint Memorials

HJM 4016 by Representatives Kretz, Ahern, Haler, Holmquist, Kristiansen, Serben, Newhouse and Orcutt

Petitioning for modifications to the federal Clean Water Act's citizen suit provisions.

Petitions for modifications to the federal Clean Water Act's citizen suit provisions.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Economic Development, Agriculture & Trade.

House Joint Resolutions

HJR 4211 by Representatives Sommers, Jarrett, Simpson, Takko, Hinkle and Anderson

Authorizing consolidation or merging of statutory and constitutional county functions and structures.

Proposes an amendment to the state Constitution authorizing consolidation or merging of statutory and constitutional county functions and structures.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Local Government.

HJR 4212 by Representatives Sommers, Schindler, Simpson, Hinkle, Flannigan, Jarrett, Haler, Hankins, Clibborn and Shabro

Authorizing additional governance options for counties.

Proposes an amendment to the state Constitution authorizing additional governance options for counties.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Local Government.

Senate Bills

SB 5851 by Senators Mulliken, Swecker, Schmidt and Oke

Regarding health care provider right of conscience.

Declares that no physician or health care personnel shall be civilly or criminally liable to any person, estate, public or private entity, or public official by reason of his or her refusal to perform, assist, counsel, suggest, recommend, refer, or participate in any way in any particular form of health care service that is contrary to the conscience of such physician or health care personnel.

Provides that it is unlawful for any person, public or private institution, or public official to discriminate against any person in any manner, including but not limited to, licensing, hiring, promotion, transfer, staff appointment, hospital, managed care entity, or any other privileges, because of such person's conscientious refusal to receive, obtain, accept, perform, assist, counsel, suggest, recommend, refer, or participate in any way in any particular form of health care services contrary to his or her conscience.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Health & Long-Term Care.

SB 5852 by Senators Swecker, Mulliken, Schmidt, Stevens, Oke and Benton

Prohibiting public funding of abortion.

Provides that public funds shall not be used by state or local governments, or any political subdivision or agency thereof, to pay or otherwise reimburse, either directly or indirectly, any person, agency, organization, or facility for the performance of any induced abortion.

Provides that public funds may be used to pay for the performance of an induced abortion necessary to prevent the death of either the pregnant woman or her unborn child under circumstances where every reasonable effort is made to preserve the life of each.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Health & Long-Term Care.

SB 5853 by Senators McAuliffe, Schmidt and Kohl-Welles; by request of State Board of

Education

Reclassifying the state board of education as a class four group.

Reclassifies the state board of education as a class four group.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Early Learning, K-12 & Higher Education.

SB 5854 by Senators McAuliffe, Schmidt, Kohl-Welles and Shin; by request of State Board of Education Adopting state policy on educational equity.

Establishes the following state policy on educational equity: (1) Educational equity includes instruction that responds to the diverse needs of students in order to maximize each student's opportunity to reach his or her fullest potential to achieve success in school and life as expressed in the goal of basic education under RCW 28A.150.210.

(2) Educational equity results in continuous student growth. Learning and achievement is founded on meaningful relationships among students, staff, parents, guardians, and community members so that each student is nurtured, respected, and valued in school and through school-related learning opportunities.

Recognizes a clear role for at least and not limited to the following agencies to advance the state policy on educational equity under this act: The state board of education and the superintendent of public instruction. The legislature encourages these agencies to collaboratively, not independently, establish and align potential goals, objectives, and strategies in order to advance the state policy on educational equity under this act.

Encourages the agencies in this act to periodically, preferably at least every two years, submit separately or jointly, a report to one another and the legislature. The report shall include a review and status of adopted educational equity goals, objectives, and strategies to advance the state policy on educational equity.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Early Learning, K-12 & Higher Education.

SB 5855 by Senators McAuliffe, Schmidt, Kohl-Welles and Shin; by request of State Board of Education

Making the superintendent of public instruction a voting member of the state board of education.

Makes the superintendent of public instruction a voting member of the state board of education.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Early Learning, K-12 & Higher Education.

SB 5856 by Senators Brandland and Haugen

Revising negligence standards regarding the failure to wear safety belts.

Amends RCW 46.61.688 to revise negligence standards regarding the failure to wear safety belts.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Transportation.

SB 5857 by Senators Prentice and Kohl-Welles

Authorizing a business and occupation tax deduction for certain nonprofit community health centers.

Authorizes a business and occupation tax deduction for certain nonprofit community health centers.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Ways & Means.

SB 5858 by Senator Haugen

Requiring the governor to appoint the director of fish and wildlife.

Requires the governor to appoint the director of fish and wildlife.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Natural Resources, Ocean & Recreation.

SB 5859 by Senators Haugen and Rasmussen

Mitigating loss of farmland.

Provides that, whenever the department secures land or interests in land by eminent domain for a right of way in order to construct or improve a state highway or other state transportation facility and the land is in an area designated as agricultural land of long-term commercial significance under RCW 36.70A.170, the department shall pay a farmland mitigation fee to the county in which the land exists

Requires the county to use the farmland mitigation fee to purchase development rights to an equivalent amount of agricultural land of comparable or better soil quality elsewhere in the respective county.

Provides that the farmland mitigation fee imposed under this act applies only to transportation projects in a county administering a farmland preservation program that allows for the purchase of development rights from willing sellers.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Transportation.

SB 5860 by Senators Haugen, Swecker and Kohl-Welles

Modifying vehicle licensing fee provisions.

Revises vehicle licensing fee provisions.

Provides that the annual vehicle licensing fee for motor vehicles and trailers shall be based on the scale weight set forth in schedule B provided in RCW 46.16.070. The department shall rely on the vehicle empty scale weights as provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each vehicle. The department shall adopt rules for determining weight for vehicles without manufacturer empty scale weights.

Provides that when the scale weight of a motor home is 6,667 pounds or greater, the scale weight shall be multiplied by one hundred fifty percent to determine the annual vehicle licensing fee.

Provides that if the resultant weight according to this act is not listed in RCW 46.16.070, it shall be increased to the next higher weight pursuant to chapter 46.44 RCW.

Declares that trailers licensed under RCW 46.16.068 or 46.16.085 are not required to pay annual fees under this act. Private use trailers of two thousand pounds scale weight or less are subject to a vehicle licensing fee of fifteen dollars. This fee shall not apply to trailers held for rental to the public or used in any commercial or business endeavor.

Provides that proceeds from the fees collected under this act shall be distributed in accordance with RCW 46.68.035

Repeals RCW 46.16.071.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Transportation.

SB 5861 by Senators Keiser, Thibaudeau, Prentice, Franklin, Kline, Kohl-Welles and McAuliffe; by request of Insurance Commissioner

Stabilizing the health insurance market and reducing the number of uninsured individuals in Washington state.

Recognizes that to stabilize the health insurance market and reduce the number of uninsured people in Washington state, health insurance premiums need to be lower. An uncertain market due to the uncompensated care needs of uninsured individuals and our current method of covering high-cost enrollees contributes to rising health insurance premiums. Our private health insurance market can begin covering some uninsured people and reduce uncompensated care when coverage is pooled for high-cost enrollees.

Declares an intent to reduce premiums, primarily for small employers, by broadly pooling high-cost enrollees and providing reinsurance services to the pool that reduces the cost of coverage. Pooling and reinsurance services for these unpredictable, high health care costs will reduce the uncertainty that raises premiums across the private health insurance market. Lower premiums will reduce the number of uninsured people in Washington state.

Finds that a reduction in the number of people needing health insurance will reduce the cost to providers who treat uninsured people and lower the cost of the uncompensated care borne by the premiums paid by purchasers and consumers. A part of the savings from more predictable premiums and less uncompensated care can be recaptured and targeted to make health insurance affordable for more small employers and others in the private health insurance market.

Creates a nonprofit entity known as the health insurance market stabilization pool. The purpose of the pool is to enroll more uninsured people in the private health insurance market by lowering and stabilizing premiums.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Health & Long-Term Care.

SB 5862 by Senators Pflug, Eide, Shin and Rasmussen; by request of Lieutenant Governor and Secretary of State

Creating the association of Washington generals.

Declares that the association of Washington generals is organized as a private, nonprofit, nonpartisan, corporation in accordance with chapter 24.03 RCW and this act.

Declares that the purpose of the association of Washington generals is to: (1) Provide the state a means of extending formal recognition for an individual's outstanding services to the state; and

(2) Bring together those individuals to serve the state as ambassadors of trade, tourism, and international goodwill.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to International Trade & Economic Development.

SB 5863 by Senators Prentice, Zarelli and Shin; by request of Department of Revenue

Improving consistency among tax incentives enacted during the 2003-2005 biennium.

Encourages consistency among tax incentives enacted during the 2003-2005 biennium.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Ways & Means.

SB 5864 by Senators Prentice, Schmidt, Esser, Shin,
Berkey, Zarelli and Rasmussen; by request
of Department of Revenue and Department of Community,
Trade, and Economic Development

Providing excise tax relief for the development of commercial airplanes.

Provides excise tax relief for the development of commercial airplanes.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Ways & Means.

SB 5865 by Senators Franklin, Delvin, Roach, Kohl-Welles, Keiser and Rasmussen

Establishing objectives for certain fire department services.

Requires every fire department to include service delivery objectives in the written statement or policy required under this act. These objectives shall include specific response time objectives for the following major service components, if appropriate: (1) Fire suppression;

- (2) Emergency management services;
- (3) Special operations;
- (4) Aircraft rescue and fire fighting;
- (5) Marine rescue and fire fighting; and
- (6) Wild land fire fighting.

Requires every fire department, in order to measure the ability to arrive and begin mitigation operations before the critical events of brain death or flash-over, to establish time objectives for the following measurements: (1) Turnout time;

- (2) Response time for the arrival of the first arriving engine company at a fire suppression incident and response time for the deployment of a full first alarm assignment at a fire suppression incident;
- (3) Response time for the arrival of a unit with first responder or higher level capability at an emergency medical incident; and
- (4) Response time for the arrival of an advanced life support unit at an emergency medical incident, where this service is provided by the fire department.

Directs every fire department to evaluate its level of service and deployment delivery and response time objectives on an annual basis. The evaluations shall be based on data relating to level of service, deployment, and the achievement of each response time objective in each geographic area within the jurisdiction of the fire department.

Provides that, beginning in 2007, every fire department shall issue an annual written report which shall be based on the annual evaluations required by this act.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Government Operations & Elections.

SB 5866 by Senators Delvin, Pridemore, Rockefeller, Schmidt, Kohl-Welles, Benson, Carrell, Shin, Brandland, Schoesler and Rasmussen

Making an election effecting retirement allowances under the public employees' and teachers' retirement systems.

Revises provisions regarding an election effecting retirement allowances under the public employees' and teachers' retirement systems.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Ways & Means.

SB 5867 by Senators Schmidt, McAuliffe, Finkbeiner, Esser, Mulliken, Berkey, Shin, Kohl-Welles, Delvin and Rasmussen

Creating a pilot program for baccalaureate degrees at selected community and technical colleges.

Declares an intent to permit, on a limited and pilot basis, selected community and technical colleges to award baccalaureate degrees. At the same time, the legislature reaffirms its longstanding policy that the primary mission of a community college is to serve as a two-year institution of higher education that offers basic skills, academic transfer preparation, work force training, and personal enrichment opportunities while the primary purpose of the state's technical colleges is to respond to the work force needs of employers and labor.

Directs the college board to select three pilot community colleges and one technical college to develop and offer programs of study leading to a baccalaureate degree.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Early Learning, K-12 & Higher Education.

SB 5868 by Senators Schmidt, McAuliffe, Berkey, Mulliken, Weinstein, Schoesler, Delvin and

Rasmussen

Implementing a strategic direction for higher education.

Declares an intent to articulate a strategic direction for public higher education on issues of access, affordability, service delivery, and accountability that will guide coordinated decision making on policies, operating budgets, and capital plans.

Declares an intent to provide the management tools and resources necessary to implement the strategic direction. Additional investment in higher education is needed, but the public deserves assurance that such an investment is based on a clear plan and will be carefully managed with specific expectations and measurable outcomes.

Declares that it is the strategic direction and intent of the legislature, by the year 2012, to: (1) Increase capacity in higher education by thirty thousand enrollment slots, with fourteen thousand enrollment slots dedicated to expanding work force training;

- (2) Graduate three thousand eight hundred additional baccalaureate degrees per year by focusing degree production at the regional universities in partnership with community and technical colleges;
- (3) Expand programs and enrollments targeted toward high demand fields by twelve thousand five hundred enrollment slots;
- (4) Maintain the market responsiveness and multiple missions of the community and technical college system,

including transfer preparation, adult remedial education, work force training, and life-long learning;

- (5) Assure that the cost of attendance for all students is less than thirty percent of family income;
- (6) Through the strategic master plan for higher education, create specific targets for enrollments and degree production through analysis of statewide and regional demographics and economic needs and comparison to peer institutions and national benchmarks;
- (7) Implement the strategic direction and master plan through performance contracts with each institution of higher education;
- (8) Through financial aid and other new financing or enrollment allocation strategies, leverage the state investment in higher education by using existing capacity at independent four-year institutions of higher education; and
- (9) Increase the state's overall investment in higher education by four hundred sixty million dollars per biennium, including one hundred million dollars per biennium invested in high priority research, to ensure that Washington's institutions of higher education continue to offer affordable access to the highest quality education and conduct world class research and discovery.

Repeals RCW 28B.10.776, 28B.10.778, 28B.10.780, 28B.10.782, 28B.10.786, 28B.45.060, 28B.45.080, and 28B.76.270.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Early Learning, K-12 & Higher Education.

SB 5869 by Senators Swecker, Jacobsen, Oke, Spanel, Hargrove, Morton, Doumit, Stevens and Rasmussen

Concerning planting of certain trout.

Amends RCW 77.18.060 concerning planting of certain trout.

Repeals RCW 77.18.070.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Natural Resources, Ocean & Recreation.

SB 5870 by Senators Jacobsen, Kline, Kohl-Welles and Mulliken

Requiring the public institutions of higher education to use admission standards similar to those used by United States military academies.

Requires the public institutions of higher education to use admission standards similar to those used by United States military academies.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Early Learning, K-12 & Higher Education.

SB 5871 by Senators Jacobsen and Kohl-Welles

Requiring that part-time community college faculty be paid on the same scale as full-time faculty.

Provides that: (1) Each community and technical college shall have only one salary schedule for all faculty.

(2) Each community and technical college shall have only one increment or step increase schedule for all faculty. (3) Upon hiring, faculty must be placed on the appropriate step in the salary schedule, based upon degree, experience, and other pertinent factors.

Provides that, upon hiring, part-time faculty must be placed on the appropriate step in the salary schedule, based upon degree, experience, and other pertinent factors, comparable to full-time faculty with comparable qualifications and experience.

Requires part-time faculty to be paid on a pro rata basis, based upon the percentage of a full-time faculty teaching load.

Requires each community and technical college to implement this act by July 1, 2006.

Declares an intent to provide the necessary funds to the community and technical colleges for the implementation of this act.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Labor, Commerce, Research & Development.

SB 5872 by Senators Stevens, Carrell, Mulliken, Deccio, Finkbeiner, Delvin, Benson, Johnson, Oke, Hewitt and Schmidt

Creating the department of family and children's services.

Provides that all powers, duties, and functions of the department of social and health services pertaining to children and family services and the juvenile rehabilitation administration are transferred to the department of family and children's services. All references to the director or the department of social and health services in the Revised Code of Washington shall be construed to mean the director or the department of family and children's services when referring to the functions transferred in this act.

Requires the director of financial management and the secretary of social and health services to jointly develop a reorganization implementation plan to implement this act. The plan shall take into account recommendations from interested individuals.

Requires the plan to detail the implementation steps to effectuate the transfer of the: (1) Children's administration relating to children to the new family and children's services agency; and

(2) Juvenile rehabilitation administration to the new family and children's services agency.

Requires the completed reorganization implementation plan to be submitted to the governor and the appropriate standing committees of the legislature by November 15, 2005.

Provides that, by December 15, 2005, the director of financial management and the secretary of the department of social and health services shall jointly submit to the governor and the appropriate standing committees of the legislature any proposed legislation necessary to implement the reorganization implementation plan.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Human Services & Corrections.

SB 5873 by Senators Stevens, Hargrove, Regala, Carrell, Mulliken, Schmidt, Zarelli, Deccio, Benson, McCaslin, Delvin, Brandland, Johnson, Hewitt, Kohl-Welles and Pflug

Revising the duties of the family and children's ombudsman.

Requires the ombudsman to assess individual casework of randomly chosen caseload-carrying child protective services and child welfare services employees of the department of social and health services throughout the state. Casework reviewed must be from any currently open cases and cases closed within the last year.

Requires the assessment to address employee compliance with the following: (1) Employee training;

- (2) Department policies and procedures;
- (3) State and federal law;
- (4) Safety and risk assessment; and
- (5) Case investigation.

Requires the ombudsman to assess supervisors of caseload-carrying child protective services and child welfare services employees of the department for compliance with: (1) Employee training requirements;

- (2) Department policies and procedures;
- (3) State and federal law;
- (4) Critical thinking and clinical analysis;
- (5) Availability to and communication with staff; and
- (6) Accountability.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Human Services & Corrections.

SB 5874 by Senators Kohl-Welles, Schmidt, Pridemore, Mulliken, McAuliffe, Berkey, Carrell, Shin, Rockefeller and Delvin

Evaluating where an additional four-year baccalaureate institution should be located.

Finds that several regions of the state do not have reasonable access to a four-year institution of higher education.

Finds that the creation of an additional four-year institution or the conversion of an existing institution should complement the existing structure and provide additional options for students.

Directs the Washington state institute for public policy to evaluate and recommend to the legislature whether a fouryear baccalaureate degree-granting institution should be created

Requires the institute to: (1) Analyze data indicating demand for and access to four-year degrees, by geographic region; and

(2) Conduct a comprehensive review of existing estimates of state needs for specific degree programs.

Provides that, by December 1, 2005, the institute shall provide a report to the legislature and the governor recommending: (1) The type of four-year baccalaureate degree-granting institution to be created;

- (2) The location for the new institution by city and county; and
- (3) A schedule for constructing and staffing the new institution. In addition, the report shall estimate the costs to establish the new institution, including, but not limited to: Land acquisition, master plan, design and construction, staffing, and number of enrollments.

Appropriates the sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, from the general fund to The Evergreen State College for the fiscal year ending June 30, 2006, to carry out the purposes of this act.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Early Learning, K-12 & Higher Education.

SB 5875 by Senator Hargrove

Clarifying the interests of parents and alleged fathers under the juvenile court act.

Clarifies the interests of parents and alleged fathers under the juvenile court act.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Human Services & Corrections.

SB 5876 by Senators Honeyford, Rockefeller, Esser, Carrell, Johnson, McCaslin and Hargrove

Modifying the judicial conduct commission.

Provides that no commission member or alternate who participates in an investigation or initial proceeding leading to a finding of probable cause may participate in any further proceedings, including a public hearing on that cause.

Requires all discovery prior to a public hearing to be conducted pursuant to the rules of civil procedure promulgated by the Washington state supreme court. Any jurist subject to proceedings before the commission shall be entitled to obtain discovery pursuant to these rules from the commission, its staff, and other persons involved in the investigation or analysis leading to a determination of probable cause.

Declares that all members and alternates shall be subject to the code of judicial conduct as promulgated by the Washington state supreme court.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Judiciary.

SB 5877 by Senators Prentice, Oke, Haugen, Stevens, Franklin, Benson, Pridemore, Brandland, Rockefeller, Doumit, Weinstein, Kohl-Welles, Sheldon, Rasmussen, Thibaudeau, Jacobsen, Keiser, Mulliken, Pflug and McAuliffe

Addressing the employment and retirement rights of members of the armed forces called to active duty.

Declares an intent to authorize the department of retirement systems to comply with federal laws including, but not limited to, the uniformed services employment and reemployment rights act, the employee retirement income security act, and the regulations of the internal revenue service, in implementing benefits on behalf of retirement system members.

Declares that immediate legislative action is necessary to ensure military members promptly receive their benefits consistent with federal law.

Provides that a member, after completing twenty-five years of creditable service, who would have otherwise become eligible for a retirement benefit as defined under chapter 41.40 RCW while serving honorably in the armed forces as referenced in RCW 41.04.005, shall, upon application to the department, be eligible to receive credit for this service without returning to covered employment.

Declares that service credit granted under this act applies only to veterans as defined in RCW 41.40.005 serving in the armed forces on or after September 11, 2001.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Ways & Means.

SB 5878 by Senators Prentice, Oke, Haugen, Benson, Franklin, Shin, Pridemore, Rockefeller, Hargrove, Fraser, Stevens, Kline, Rasmussen, Mulliken and McAuliffe

Prohibiting internet gambling.

Declares it is the policy of this state to prohibit all forms and means of gambling, except where carefully and specifically authorized and regulated. With the advent of the internet and other technologies and means of communication that were not contemplated when either the gambling act was enacted in 1973, or the lottery commission was created in 1982, it is appropriate for this legislature to reaffirm the policy prohibiting gambling that exploits such new technologies.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Labor, Commerce, Research & Development.

SB 5879 by Senators Prentice, Oke, Haugen, Benson, Franklin, Pridemore, Shin, Rockefeller, Fraser, Hargrove, Stevens and Rasmussen

Prohibiting out-of-state contributions to gambling ballot measures.

Provides that, notwithstanding the other provisions of this act, no person who is not a registered voter in Washington state and no corporation or other entity that is not doing business in Washington state and not subject to enforcement oversight or regulation by the gambling commission or the horse racing commission, and is engaged in an activity that if conducted in Washington state would require a license issued by either the gambling commission or the horse racing commission, may make contributions that are reportable under chapter 42.17 RCW to any political committee with the expectation of making an expenditure in support of or opposition to a ballot measure affecting chapter 9.46, 67.16, or 67.70 RCW.

-- 2005 REGULAR SESSION --

Feb 10 First reading, referred to Government Operations & Elections.

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